

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ALISHA W. WILKES,	:	
	:	
Plaintiff	:	
v.	:	CIVIL NO. 1:10cv1160
	:	
EXPERIAN INFORMATION SOLUTIONS, INC.,	:	
et al.	:	
Defendants.	:	

MOTION TO CLARIFY COURT'S ORDER OF FEBRUARY 2, 2011 (DOCKET # 32)

Comes now the Plaintiff, Alisha Wilkes, by counsel and moves the Court for clarification of its Order of February 2, 2011, which provides in pertinent part: "A party may not exceed five (5) non-party, non-expert witness depositions . . . without leave of court." (Docket #32, ¶ 3). The Plaintiff respectfully requests the Court clarify whether: (1) its Order is intended either to treat Defendants' employees as non-parties for the purpose of taking depositions or that the Defendants' employees are considered parties; (2) its Order is intended either to limit the Plaintiff to a total of five non-party depositions as to all defendants or that the Court limits the non-party depositions to five as to each defendant.

For the reasons explained in the accompanying memorandum in support of her Motion, Plaintiff respectfully requests the Court find that the Defendants' employees are non third parties and the Plaintiff is limited to five non-party depositions as to each defendant. In the alternative, if the Court finds otherwise, the Plaintiff respectfully requests leave of Court to enlarge the plaintiff's permitted number of non-party depositions to include the following GMAC employees:

- (1) Allison Higgins, GMAC ACDV operator (already deposed)

- (2) Lori Aguiar, GMAC ACDV operator (already deposed)
- (3) Amy Fleitas, GMAC employee (deposition scheduled to be June 6, 2011)
- (4) Joseph Yarnell, GMAC employee (deposition scheduled to be June 7, 2011)
- (5) Nancy Durey, GMAC employee (deposition scheduled to be June 7, 2011)

In addition to the GMAC employees, Plaintiff requests non-party depositions for the following witnesses:

- (1) Steve Newman, TransUnion employee
- (2) Unnamed Experian employee

Respectfully Submitted,

ALISHA WILKES,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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